



201766404 - BOLADALE, ERICA DENISE vs. HODGE, ARTHUR LEE (Court 055)

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[WS4]

2017-66404 / Court: 055
STERN LAW GROUP

October 6, 2017

Writer's E-Mail Address:
jnava@stern-lawgroup.com

VIA E-File

Mr. Chris Daniel
Harris County District Clerk
201 Caroline, Suite 420
Houston, Texas 77002

RE: No. _____; *Erica Denise Boladale v. Arthur Lee Hodge and Dean
Trucking, LLC*; In the _____ Judicial District Court of Harris County,
Texas.

Dear Mr. Daniel:

Enclosed for filing regarding the above referenced cause please find the following:

- Plaintiff's Original Petition, Jury Demand and Request for Disclosure;
- Civil Case Information Sheet; and
- Civil Process Request Form.

Payment is also included to cover filing fees and the preparation of two (2) citations for service.

After citations have been prepared, please return them to our office so that service may be perfected.

Please acknowledge receipt of this instrument (s) by affixing the electronic file date and time of filing on a copy of this document and return the same to us via electronic mail.

Thank you for your attention and cooperation.

Very truly yours,

/s/ Richard J. Nava
RICHARD JASON NAVA

RJN/al
Enclosure
44123.24

10/6/2017 11:18:45 AM
Chris Daniel - District Clerk
Harris County
Envelope No: 19908304
By: CLAUSELL, CYNTHIA
Filed: 10/6/2017 11:18:45 AM

2017-66404 / Court: 055

CIVIL PROCESS REQUEST

CASE NUMBER: _____ CURRENT COURT: _____

TYPE OF INSTRUMENT TO BE SERVED: Plaintiff's Original Petition

FILE DATE OF MOTION:

SERVICE TO BE ISSUED ON:

1. NAME: ARTHUR LEE HODGE
ADDRESS: 771 East Road, Willard, Montana 59354
AGENT:
TYPE OF SERVICE: Citation
SERVICE BY: **Private process service: AFTER CITATION HAS BEEN COMPLETED, PLEASE FORWARD IN TE ENCLOSED SELF-ADDRESSED STAMPED ENVELOPE.**
2. NAME: Dean Trucking, LLC
ADDRESS: 770 Calumet Road, Ovando, Montana 59854
AGENT: Mary Beth Dean
TYPE OF SERVICE: Citation
SERVICE BY: **Private process service: AFTER CITATION HAS BEEN COMPLETED, PLEASE FORWARD IN TE ENCLOSED SELF-ADDRESSED STAMPED ENVELOPE.**

ATTORNEY REQUESTING SERVICE:

Richard Jason Nava, SBN: 24083552; Stern Law Group, 4909 Bissonnet St., Suite 100, Bellaire, Texas 77401, 713/661-9900, 713/666-5922 Facsimile, jnava@stern-lawgroup.com;

10/6/2017 11:18:45 AM
 Chris Daniel - District Clerk
 Harris County
 Envelope No: 19908304
 By: CLAUSELL, CYNTHIA
 Filed: 10/6/2017 11:18:45 AM

CIVIL CASE INFORMATION SHEET (REV. 2/13)

2017-66404 / Court: 055

CAUSE NUMBER (FOR CLERK USE ONLY)

COURT (FOR CLERK USE ONLY)

STYLED: Erica Denise Boladale v. Arthur Lee Hodge and Dean Trucking, LLC

(e.g., John Smith v. All American Insurance Co.; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition or application is filed to initiate a new civil, family law, probate, or mental health case or when a post-judgment petition for modification or motion for enforcement is filed in a family law case. The information should be the best available at the time of filing.

1. Contact information for person completing case information sheet: Name: Richard J. Nava Email: rnava@stern-lawgroup.com Address: 4909 Blissonnet St., Suite 100 City/State/Zip: Bellaire, Texas 77401 Signature: [Signature] Telephone: (713) 661-9900 Fax: (713) 666-5922 State Bar No: 24083552		Names of parties in case: Plaintiff(s)/Petitioner(s): Erica Denise Boladale Defendant(s)/Respondent(s): Arthur Lee Hodge Dean Trucking, LLC (Attach additional page as necessary to list all parties)		Person or entity completing sheet is: <input checked="" type="checkbox"/> Attorney for Plaintiff/Petitioner <input type="checkbox"/> Pro Se Plaintiff/Petitioner <input type="checkbox"/> Title IV-D Agency <input type="checkbox"/> Other: Additional Parties in Child Support Case: Custodial Parent: Non-Custodial Parent: Presumed Father:			
2. Indicate case type, or identify the most important issue in the case (select only 1):							
Civil			Family Law				
Contract <input type="checkbox"/> Consumer/DTPA <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Other Debt/Contract: Foreclosure <input type="checkbox"/> Home Equity—Expedited <input type="checkbox"/> Other Foreclosure <input type="checkbox"/> Franchise <input type="checkbox"/> Insurance <input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Non-Competition <input type="checkbox"/> Partnership <input type="checkbox"/> Other Contract:		Injury or Damage <input type="checkbox"/> Assault/Battery <input type="checkbox"/> Construction <input type="checkbox"/> Defamation <input type="checkbox"/> Malpractice <input type="checkbox"/> Accounting <input type="checkbox"/> Legal <input type="checkbox"/> Medical <input type="checkbox"/> Other Professional Liability: <input checked="" type="checkbox"/> Motor Vehicle Accident <input type="checkbox"/> Premises <input type="checkbox"/> Product Liability <input type="checkbox"/> Asbestos/Silica <input type="checkbox"/> Other Product Liability <input type="checkbox"/> List Product: <input type="checkbox"/> Other Injury or Damage:		Real Property <input type="checkbox"/> Eminent Domain <input type="checkbox"/> Condemnation <input type="checkbox"/> Partition <input type="checkbox"/> Quiet Title <input type="checkbox"/> Trespass to Try Title <input type="checkbox"/> Other Property: Related to Criminal Matters <input type="checkbox"/> Expunction <input type="checkbox"/> Judgment Nisi <input type="checkbox"/> Non-Disclosure <input type="checkbox"/> Seizure/Forfeiture <input type="checkbox"/> Writ of Habeas Corpus—Pre-indictment <input type="checkbox"/> Other:		Marriage Relationship <input type="checkbox"/> Annulment <input type="checkbox"/> Declare Marriage Void <input type="checkbox"/> Divorce <input type="checkbox"/> With Children <input type="checkbox"/> No Children Other Family Law <input type="checkbox"/> Enforce Foreign Judgment <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Name Change <input type="checkbox"/> Protective Order <input type="checkbox"/> Removal of Disabilities of Minority <input type="checkbox"/> Other:	
Employment <input type="checkbox"/> Discrimination <input type="checkbox"/> Retaliation <input type="checkbox"/> Termination <input type="checkbox"/> Workers' Compensation <input type="checkbox"/> Other Employment:		Other Civil <input type="checkbox"/> Administrative Appeal <input type="checkbox"/> Antitrust/Unfair Competition <input type="checkbox"/> Code Violations <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Intellectual Property <input type="checkbox"/> Lawyer Discipline <input type="checkbox"/> Perpetuate Testimony <input type="checkbox"/> Securities/Stock <input type="checkbox"/> Tortious Interference <input type="checkbox"/> Other:		Post-judgment Actions (non-Title IV-D) <input type="checkbox"/> Enforcement <input type="checkbox"/> Modification—Custody <input type="checkbox"/> Modification—Other Title IV-D <input type="checkbox"/> Enforcement/Modification <input type="checkbox"/> Paternity <input type="checkbox"/> Reciprocity (UIFSA) <input type="checkbox"/> Support Order Parent-Child Relationship <input type="checkbox"/> Adoption/Adoption with Termination <input type="checkbox"/> Child Protection <input type="checkbox"/> Child Support <input type="checkbox"/> Custody or Visitation <input type="checkbox"/> Gestational Parenting <input type="checkbox"/> Grandparent Access <input type="checkbox"/> Parentage/Paternity <input type="checkbox"/> Termination of Parental Rights <input type="checkbox"/> Other Parent-Child:			
Tax <input type="checkbox"/> Tax Appraisal <input type="checkbox"/> Tax Delinquency <input type="checkbox"/> Other Tax:		Probate & Mental Health Probate/Wills/Intestate Administration <input type="checkbox"/> Dependent Administration <input type="checkbox"/> Independent Administration <input type="checkbox"/> Other Estate Proceedings <input type="checkbox"/> Guardianship—Adult <input type="checkbox"/> Guardianship—Minor <input type="checkbox"/> Mental Health <input type="checkbox"/> Other:					
3. Indicate procedure or remedy, if applicable (may select more than 1):							
<input type="checkbox"/> Appeal from Municipal or Justice Court <input type="checkbox"/> Arbitration-related <input type="checkbox"/> Attachment <input type="checkbox"/> Bill of Review <input type="checkbox"/> Certiorari <input type="checkbox"/> Class Action		<input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Garnishment <input type="checkbox"/> Injunctive <input type="checkbox"/> License <input type="checkbox"/> Mandamus <input type="checkbox"/> Post-judgment		<input type="checkbox"/> Prejudgment Remedy <input type="checkbox"/> Protective Order <input type="checkbox"/> Receiver <input type="checkbox"/> Sequestration <input type="checkbox"/> Temporary Restraining Order/Injunction <input type="checkbox"/> Turnover			
4. Indicate damages sought (do not select if it is a family law case):							
<input type="checkbox"/> Less than \$100,000, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney fees <input type="checkbox"/> Less than \$100,000 and non-monetary relief <input type="checkbox"/> Over \$100,000 but not more than \$200,000 <input type="checkbox"/> Over \$200,000 but not more than \$1,000,000 <input type="checkbox"/> Over \$1,000,000							

2017-66404 / Court: 055

CAUSE NO. _____

ERICA DENISE BOLADALE	§	IN THE DISTRICT COURT OF
	§	
V.	§	HARRIS COUNTY, TEXAS
	§	
ARTHUR LEE HODGE and	§	
DEAN TRUCKING, LLC	§	_____ JUDICIAL DISTRICT

**PLAINTIFF'S ORIGINAL PETITION, JURY DEMAND
AND REQUEST FOR DISCLOSURE**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, ERICA DENISE BOLADALE, Plaintiff in the above entitled and numbered cause, complaining of and against ARTHUR LEE HODGE and DEAN TRUCKING, LLC. Defendants herein, and for causes of action would respectfully show unto the Court the following:

DISCOVERY CONTROL PLAN

1.0 Discovery is intended to be conducted under Level 3 of the Texas Rules of Civil Procedure 190.

**II.
PARTIES**

2.0 Plaintiff is a resident of Harris County, Texas.

2.1 Defendant, ARTHUR LEE HODGE is an individual residing in Willard, Fallon County, Montana who may be served with service of process at 771 East Road, Willard, Montana 59354, or wherever he may be found.

2.2 Defendant, DEAN TRUCKING, LLC is a Foreign -For-Profit Corporation doing business in the State of Texas and may be served through its registered agent of service, MaryBeth Dean, 770 Calumet Road, Ovando Montana, 59854, or wherever she may be found.

III. JURISDICTION & VENUE

3.0 Venue is proper in Harris County, Texas, pursuant to Tex. Civ. Prac. & Rem. Code §15.001 *et seq.* because all or a substantial part of the events or omissions giving rise to the claims arose in Harris County, Texas. This Court has jurisdiction over the parties and subject matter hereof. The amount in controversy exceeds the minimum jurisdictional limits of this Court.

IV. FACTS

4.0 On or about October 9, 2015, Plaintiff was lawfully driving in a 1999 Mercury Mystique, traveling southbound in the 900 block of Lockwood Drive, a street located in Houston, Harris County, Texas. At the time in question, Defendant **ARTHUR LEE HODGE** was driving a 2005 Peterbilt Tractor Trailer, traveling in the same direction. Defendant failed to control speed and yielding the right of way striking Plaintiff's vehicle.

4.1 At such time, Defendant **ARTHUR LEE HODGE** was working in the course and scope of his employment with **DEAN TRUCKING, LLC**.

V. NEGLIGENCE OF DEFENDANTS

A. ARTHUR LEE HODGE

5.0 At the time of the accident made the basis of this suit, Defendant, **ARTHUR LEE HODGE** was operating the aforementioned vehicle in a negligent and careless manner in the following respects which, among others, may be shown at the trial of this cause:

1. In failing to keep a proper lookout;
2. In failing to yield;
3. In failing to control speed;
4. In failing to operate the vehicle in a reasonable and prudent manner.

5.1 Each of these acts and omissions, singularly or in combination with others, constitute negligence which was the proximate cause of this incident, and the injuries sustained by the Plaintiff. Additionally, Defendant's acts or omissions in violating the Texas Transportation Code as listed above constitute negligence per se.

B. DEAN TRUCKING, LLC

5.2 The above-described collision was proximately caused by the negligence of Defendant **DEAN TRUCKING, LLC** as a result of its negligent entrustment of the subject vehicle to Defendant **ARTHUR LEE HODGE** when it knew or should have known that he was not a safe driver.

5.3 Defendant **ARTHUR LEE HODGE** was an agent and/or servant of Defendant **DEAN TRUCKING, LLC**. As such, Defendant **DEAN TRUCKING, LLC** is responsible for the conduct of Defendant **ARTHUR LEE HODGE** due to the master-servant relationship which existed, and under the doctrine of Respondeat Superior.

**VI.
DAMAGES**

6.0 Said elements of damage which Plaintiff seeks to recover from Defendants include compensation for the following:

1. The physical pain and mental anguish sustained by Plaintiff from date of injury to the time of trial;
2. The physical pain and mental anguish that Plaintiff will suffer in the future;
3. Loss of earnings sustained by Plaintiff from date of injury to time of trial;
4. Loss of earnings and earning capacity reasonably anticipated to be suffered by Plaintiff in the future;
5. Reasonable and necessary medical expenses incurred by Plaintiff in the treatment of Plaintiff's injuries from date of injury to time of trial;
6. Reasonable and necessary medical expenses reasonably anticipated to be sustained

by Plaintiff in the future for treatment of Plaintiff's injuries;

7. Past and future physical disfigurement; and

8. Past and future physical impairment;

As such, Plaintiff affirmatively pleads that he monetary relief over \$200,000.00 but not more than \$1,000,000.00.

**VII.
REQUEST FOR JURY TRIAL**

7.0 Plaintiff requests a jury trial.

**VIII.
ALTERNATIVE PARAGRAPH NO. 1**

8.0 In the alternative, Plaintiff would show that if any injury and/or condition from which he currently suffers was pre-existing, then such condition was aggravated and/or exacerbated by the negligence of the Defendants herein.

**IX.
ALTERNATIVE PARAGRAPH NO. 2**

9.0 In the alternative, Plaintiff would show that if he suffers from any subsequent injury and/or condition, then such injury and/or condition was aggravated and/or exacerbated by the negligence of the Defendants herein.

**X.
REQUEST FOR DISCLOSURE**

10.0 Pursuant to Rule 194 of the Texas Rules of Civil Procedure, you are hereby requested to disclose, within fifty (50) days of service of this document, the information or material described below. Please serve your responses on counsel representing this Plaintiff, and produce true and correct copies of all documents and other tangible items with your responses, in accordance with Rule 194.4.

10.1 Plaintiff requests disclosure of the following, pursuant to Rules 194.2(a) through 194.2(l):

- (a) the correct names of the parties to the lawsuit;
- (b) the name, address, and telephone number of any potential parties;
- (c) the legal theories and, in general, the factual bases of Defendant's claims or defenses;
- (d) the amount and any method of calculating economic damages;
- (e) the name, address, and telephone number of persons having knowledge of relevant facts, and a brief statement of each identified person's connection with the case;
- (f) for any testifying expert:
 - (1) the expert's name, address, and telephone number;
 - (2) the subject matter on which the expert will testify;
 - (3) the general substance of the expert's mental impressions and opinions and a brief summary of the basis for them, or if the expert is not retained by, employed by, or otherwise subject to the control of Defendant, documents reflecting such information;
 - (4) if the expert is retained by, employed by, or otherwise subject to the control of Defendant:
 - (A) all documents, tangible things, reports, models, or data compilations that have been provided to, reviewed by, or prepared by or for the expert in anticipation of the expert's testimony; and
 - (B) the expert's current resume and bibliography;
- (g) any discoverable indemnity and insuring agreements;
- (h) any discoverable settlement agreements;
- (i) any discoverable witness statements;
- (j) in a suit alleging physical or mental injury and damages from the occurrence that is the subject of the case, all medical records and bills that are reasonably related to the injuries or damages asserted or, in lieu thereof, an authorization permitting the disclosure of such medical records and bills;
- (k) in a suit alleging physical or mental injury and damages from the occurrence that is the subject of the case, all medical records and bills obtained by the responding party by virtue of an authorization furnished by the requesting party.
- (l) the name, address, and telephone number of any person who may be designated as

a responsible third party.

**XI.
PRAYER**

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that these Defendants be cited to appear and answer herein, and that upon final trial hereof, Plaintiff recovers from said Defendants, jointly and severally, a sum over \$200,000.00 but not more than \$1,000,000.00, costs of Court, pre-judgment and post-judgment interest at the legal rate, and demand for judgment for all other relief to which the Plaintiff deemed entitled.

Respectfully submitted,

STERN LAW GROUP

By: /s/ Richard J. Nava
RICHARD J. NAVA
SBN: 24083552
Email: rnava@stern-lawgroup.com
MARK B. LEVIN
SBN: 12254020
Email: mlevin@stern-lawgroup.com
4909 Bissonnet St., Suite 100
Bellaire, Texas 77401
713/661-9900
713/666-5922 Facsimile

ATTORNEYS FOR PLAINTIFF

CAUSE NO. 201766404

RECEIPT NO.

C.00

MTA

TR # 73422827

PLAINTIFF: BOLADALE, ERICA DENISE
vs.
DEFENDANT: HODGE, ARTHUR LEE

In The 55th
Judicial District Court
of Harris County, Texas
55TH DISTRICT COURT
Houston, TX

CITATION (NON-RESIDENT CORPORATE)

THE STATE OF TEXAS
County of Harris

TO: DEAN TRUCKING LLC (FOREIGN- FOR- PROFIT CORPORATION)
MAY BE SERVED BY SERVING THROUGH ITS REGISTERED AGENT
MARYBETH DEAN
OR WHEREVER SHE MAY BE FOUND
770 CALUMET ROAD CVANDO MT 59854

Attached is a copy of PLAINTIFF'S ORIGINAL PETITION REQUEST FOR DISCLOSURE AND JURY DEMAND

This instrument was filed on the 6th day of October, 2017, in the above cited cause number and court. The instrument attached describes the claim against you.

YOU HAVE BEEN SUED, You may employ an attorney. If you or your attorney do not file a written answer with the District Clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of 20 days after you were served this citation and petition, a default judgment may be taken against you.

TO OFFICER SERVING:

This citation was issued on 11th day of October, 2017, under my hand and seal of said Court.

Issued at request of:
NAVA, RICHARD JASON
4909 BISSONNET SUITE #100
BELLAIRE, TX 77401
Tel: (281) 236-2688
Bar No.: 24083552



Chris Daniel

CHRIS DANIEL, District Clerk
Harris County, Texas
201 Caroline, Houston, Texas 77002
(P.O. Box 4651, Houston, Texas 77210)

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OFFICER/AUTHORIZED PERSON RETURN

Received on the _____ day of _____, at _____ o'clock _____ .M., and
executed the same in _____ County, Texas, on the _____ day of _____, at
_____ o'clock _____ .M., by summoning the _____,
by delivering to _____, in person _____
a corporation <
by leaving in the principal office during office hours
_____ of the said _____

a true copy of this notice, together with accompanying copy of

Serving _____ copy _____ \$ _____

Affiant

By

Deputy